

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CHARLES EDWARD TURNER, JR.,)	
)	
Plaintiff,)	
)	
v.)	1:15CV947
)	
MR. CLELLAND, et al.,)	
)	
Defendants.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 30, 2016, was served on the parties in this action. Plaintiff objected to the Recommendation. (Doc. 45.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss or, in the alternative, Motion for Summary Judgment (Doc. 32) is GRANTED IN PART and DENIED IN PART: The existence of a material factual dispute regarding exhaustion precludes summary judgment in Defendants' favor on that issue; Plaintiff's requests for injunctive relief and thus his claims under the Religious Land Use

and Institutionalized Persons Act, 42 U.S.C. § 2000cc et seq.,
fail on grounds of mootness; Plaintiff's official capacity damages
claims fail as a matter of law; and Defendant "C/O Mr. Curry"
enjoys qualified immunity.

/s/ Thomas D. Schroeder
United States District Judge

March 7, 2016